

CONFERENCE OF THE EIGHTEEN-NATION COMMITTEE
ON DISARMAMENT

ENDC/PV.413
21 May 1969
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THE UNIVERSITY
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COLLECTION

FINAL VERBATIM RECORD OF THE FOUR HUNDRED AND THIRTEENTH MEETING

held at the Palais des Nations, Geneva,
on Wednesday, 21 May 1969, at 10.30 a.m.

Chairman:

Mr. G. IGNATIEFF

(Canada)

PRESENT AT THE TABLE

Brazil:

Mr. S.A. FRAZAO

Mr. C.A. de SOUZA e SILVA

Mr. P. CABRAL de MELLO

Mr. L.F. PALMEIRA LAMPREIA

Bulgaria:

Mr. K. CHRISTOV

Mr. M. KARASSIMEONOV

Mr. I. PEINIRDJIEV

Burma:

U KYAW MIN

Canada:

Mr. G. IGNATIEFF

Mr. J.R. MORDEN

Czechoslovakia:

Mr. T. LAHODA

Mr. V. SAFAR

Mr. J. STRUCKA

Ethiopia:

Mr. A. ZELLEKE

India:

Mr. M.A. HUSAIN

Mr. N. KRISHNAN

Mr. K.P. JAIN

Italy:

Mr. R. CARACCILO

Mr. R. BORSARELLI

Mr. U. PESTALOZZA

Mexico:

Miss E. AGUIRRE

Mr. H. CARDENAS RODRIGUEZ

Nigeria:

Alhaji SULE KOLO

Mr. C.O. HOLLIST

Mr. L.A. MALIKI

Poland:

Mr. K. ZYBYLSKI
Mr. H. STEPOSZ
Mr. R. WLAZLO
Mr. S. DABROWA

Romania:

Mr. N. ECOBESCO
Mr. V. CONSTANTINESCO
Mr. V. TARZIORU

Sweden:

Mrs. A. MYRDAL
Mr. A. EDELSTAM
Mr. U. ERICSSON
Mr. R. BOMAN

Union of Soviet Socialist
Republics:

Mr. A.A. ROSHCHIN
Mr. O.A. GRINEVSKY
Mr. I.I. TCHEPROV
Mr. N.S. KISHILOV

United Arab Republic:

Mr. H. KHALLAF
Mr. O. SIRRY
Mr. E.S. EL REEDY
Mr. Y. RIZK

United Kingdom:

Mr. I.F. PORTER
Mr. W.N. HILLIER-FRY

United States of America:

Mr. A.S. FISHER
Mr. C. GLEYSTEN
Mr. W. HECKROTTE
Mr. J. McNALLY

Special Representative of the
Secretary-General:

Mr. D. PROTITCH

Deputy Special Representative of the
Secretary-General:

Mr. W. EPSTEIN

1. The CHAIRMAN (Canada): I declare open the 413th plenary meeting of the Conference of the Eighteen-Nation Committee on Disarmament.
2. Mr. FRAZAO (Brazil): In my intervention on 22 April I stated very briefly the preliminary views of my Government on the demilitarization of the sea-bed, the ocean floor and the subsoil thereof (ENDC/PV.405, paras. 27-31). I shall speak today in somewhat more detail on that subject and on the proposal put forward by the Soviet delegation (ENDC/240).
3. First of all, I want to restate the position of my Government concerning the general approach to the question of the exploration and the exploitation of the sea-bed, the ocean floor and the subsoil thereof, having in mind the pertinent resolutions of the General Assembly of the United Nations and the work still being carried out by the Committee on the Peaceful Uses of the Sea-Bed and the Ocean-Floor beyond the Limits of National Jurisdiction.
4. I think that the governments represented in this Conference, as well as in other bodies of the United Nations, have already expressed a wide margin of agreement on the approach embodied in General Assembly resolution 2467 (XXIII). We all agree that the exploitation and use of this geographical area should be carried out exclusively for peaceful purposes. Furthermore, we agree that the bottom of the oceans and seas is not subject to national appropriation. Accordingly, I understand that we all hold that its
 "... exploitation should be carried out for the benefit of mankind as a whole, irrespective of the geographical location of States,". (General Assembly resolution 2467 A (XXIII))
Resolution 2467 (XXIII) goes further: qualifying this benefit, it stresses that this exploitation should take "into account the special interests and needs of the developing countries".
5. In my opinion all deliberations and negotiations on a treaty on the demilitarization of the sea-bed should always be linked to and stem from that basic approach, which should inspire the main guide-lines for any further elaboration on this subject-matter. Therefore, we could proceed to visualize the path ahead of us relating to the military aspects of the sea-bed without risking discrepancies on some basic points of common agreement.

(Mr. Frazão, Brazil)

6. I think one might also maintain that a degree of consensus emerged among the members of the Eighteen-Nation Committee on Disarmament; this consensus is being evolved and developed in the course of our deliberations, in respect to some fundamental normative principles to be applied to the questions of the demilitarization of the sea-bed, the ocean floor and the subsoil thereof.

7. That consensus covers three main points: first, the scope of the demilitarization should be as broad as possible to preserve the sea-bed exclusively for peaceful purposes, and to prevent a start and further development of the arms race in this environment which equals two-thirds of the surface of the earth; second, the area to be covered by the ban on the military uses of the sea-bed should be as large as possible, so that this common heritage of mankind may be effectively used for the benefit of all nations; and third, the limits to be established on a treaty on demilitarization should be considered solely in relation to the specific purposes of that treaty, so that no precedent and no involvement might be argued concerning the more complex questions of national jurisdiction or sovereignty.

8. It is with a feeling of both encouragement and optimism that my delegation tackles this problem, because an agreement seems to be viable around these three basic points which, furthermore, do stem from and are in accordance with the guide-lines adopted by the United Nations.

9. We have before us a draft treaty on prohibition of the use for military purposes of the sea-bed, the ocean floor and the subsoil thereof, submitted by the Soviet delegation on 18 March last. In my first intervention I referred to that document as "an important and timely contribution to our deliberations" (ENDC/PV.405, para. 31). After further examination of its contents, my delegation holds the same opinion although we share, to a considerable extent, the views expressed by other delegations as to the need to clarify and improve some fundamental points. Since we are dealing with a draft in the early stages of its negotiation, I should like to offer, by way of comments on the Soviet proposal, some contributions to our debate on this item.

10. In the preambular paragraphs there is only a reference to the "purposes and principles of the United Nations", which I dealt with at some length at the beginning of my intervention. It is the view of my delegation that some more detailed considerations should be added to this reference so that from the mere enunciation of such lofty principles we may proceed, within a more precise framework, to the spelling out of positive commitments in a formal and solemn treaty. We would welcome a provision under which the objective of the demilitarization without any hindrance to the peaceful and economic uses of the sea-bed could be clearly expressed.

(Mr. Frazão, Brazil)

11. Article 1 contains the core of the obligations and definitions of the Soviet draft; it touches the three basic points I have already referred to, namely, the scope of the treaty, the area to be covered by the treaty, and the delimitation of the zone set exclusively for the purposes of the treaty.

12. We understand that some divergences still remain in so far as the scope of the treaty is concerned. We favour the view that if in the prevailing international situation the ideal ban on all military activities proves to be still beyond our reach, this should not prevent an agreement on the prohibition of all weapons of mass destruction, as a first step to be adopted before the total ban on all military uses of the sea-bed is generally accepted.

13. At the same time, the Soviet approach has undoubtedly met the two other points of principle, concerning the largest possible zone to be demilitarized and the non-involvement with the question of national jurisdiction.

14. The system of verification and control proposed by the Soviet Union does not in our view reflect a clear-cut provision on this essential element of the treaty. As previous speakers have stated, the concept of reciprocity adopted by the Soviet draft has some ambiguous connotations and could be replaced by the more straightforward principle of verification by all States parties to the treaty, without qualification or discrimination.

15. The representatives of the United Arab Republic at our meeting on 15 April (ENDC/PV.403, para. 35), and of India at our meeting on 17 April (ENDC/PV.404, para. 70) have already expressed their reservations about reciprocity as mentioned in the Soviet proposal. More recently, at our meeting on 13 May, the representative of Canada stated that: "The word 'reciprocity' ... does not seem to us to represent a reasonable basis for verification procedures". (ENDC/PV.410, para. 10). And at the same meeting the representative of Italy said that "it is not enough to adopt the criterion of reciprocity between States possessing installations on the sea-bed." (ibid., para. 54)

16. Certainly, in this same system, and deriving from the same principle of freedom of access, I think that it should be clearly stated that every State party could carry out the verification through its own means or, upon request, with the assistance of any other State party to the treaty. And eventually, when an international agency becomes feasible, the States parties to the treaty can also apply to its services for the purposes of verification and control.

(Mr. Frazão, Brazil)

17. On the procedural clauses, the Soviet draft requires, in article 4, paragraph 3, the small number of five ratifications for the treaty to come into force. We consider that an instrument of such wide and universal scope would require, before it came into force, the initial acceptance of many more countries, including some of those with special maritime qualifications. The representative of Italy mentioned this idea (*ibid.*, para. 40), which I think the Committee should retain.

18. Those comments do not exhaust the range of observations of my delegation on the Soviet draft, but they raise some concrete questions related to that proposal.

19. Even in this specific intervention I should like to go back to the first part of my speech, in which I referred to the concept of demilitarization and the prevention of any hindrance to the peaceful and economic uses of the sea-bed. I have in mind the question of verification of installations exclusively for peaceful and scientific purposes placed beyond the twelve-mile limit already suggested, but within the limits of the jurisdiction of a certain State. From a juridical and even from a political point of view, a system of verification and control could not apply on the same basis to the zone beyond national jurisdiction and to a zone included within the limits of national jurisdiction. This distinction seems to be obvious for the mere reason that all States have special sovereign rights and obligations on the continental shelf under their respective jurisdictions. Thus a system of verification in the area under national jurisdiction must not be envisaged without some special qualifications.

20. The principle of freedom of access for all States parties should be preserved, as I stated before, but the State having jurisdiction for the exploitation of resources over the area where the installation is placed should be consulted before the verification is carried out and should participate in the process of verification. I do not mean that its consent should necessarily be required, because if that were the case the principle of freedom of access could be rendered nugatory. I do mean that in the area beyond the mileage adopted by a treaty, but still within the limits of the national jurisdiction over the sea-bed, the right of verification should be exercised with the participation of the State having sovereign rights for the exploitation of the area concerned, and in any case this verification must not interfere with the peaceful uses of that area. I am confident that this Committee will find the appropriate formulation to meet the points I have raised.

21. The last point I wish to make at this stage concerns the problem of the measures to be taken in the event of any verified violation of the treaty.

(Mr. Frazão, Brazil)

22. The system of verification and control to be provided for in an international agreement should not be limited to the possibility of checking and actually proving the existence of installations placed on the sea-bed in violation of the provisions of the treaty. Additional measures should be contemplated to counter such violations, which by themselves would jeopardize international peace and security.
23. In our view the system to be provided for the implementation of the additional measures might be linked with the Security Council of the United Nations. A well-grounded denunciation of a violation of the treaty, addressed to the Security Council, should then be followed by appropriate action by that Council aimed at the re-establishment of the previous conditions of security in the affected area.
24. In still another situation, related to the system of verification, the possibility of recourse to the Security Council could also be useful and constructive. I have in mind the possibility of conflicting opinions on the quality and purpose of an installation inspected by two or more States.
25. In a matter of such importance the State or States concerned should have the faculty to apply to an authoritative organ, which should have the power to ascertain the character of the disputed purpose of a certain installation. This being a question that might have a direct bearing on the maintenance of international peace and security, it is only proper that the Security Council should settle any dispute arising from the conflicting opinions presented by two or more verifying States.
26. In presenting the comments of our delegation on some of the relevant aspects of this issue we are trying, in the first place, to furnish positive and constructive collaboration towards the achievement of a treaty on the demilitarization of the sea-bed, the ocean floor and the subsoil thereof.
27. I have not taken final and conclusive positions on the several questions raised in this intervention, as we are prepared to consider alternative proposals and suggestions that may lead us to the common and far-reaching goal we are all pursuing here.
28. The CHAIRMAN (Canada): Since no other representative wishes to speak I should like, speaking as representative of Canada, to draw attention to a document which has been circulated this morning under the symbol ENDC/248 of 21 May 1969 in the name of the delegation of Canada. That document is intended to provide further background on seismological research and activity which is being carried on in Canada alone.

(The Chairman, Canada)

29. We have already circulated a paper -- document ENDC/244 of 17 April -- and the present paper expands on the earlier one by including a number of new articles. It also provides relevant abstracts in some cases.

30. We are circulating the document with the realization that most delegations, like our own, lack the resident scientific experts, but we do hope that the details in the document may be of some interest to the relevant authorities in the various capitals.

The Conference decided to issue the following communiqué:

"The Conference of the Eighteen-Nation Committee on Disarmament today held its 413th plenary meeting in the Palais des Nations, Geneva, under the chairmanship of H.E. Ambassador G. Ignatieff, representative of Canada.

"Statements were made by the representatives of Brazil and Canada.

"The delegation of Canada submitted a working paper listing recent Canadian scientific papers on seismological research, with abstracts now available (ENDC/248).

"The next meeting of the Conference will be held on Thursday, 22 May 1969, at 10.30 a.m."

The meeting rose at 11 a.m.

